

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PARNELL SEATON,

Petitioner,

v.

CASE NO. 87-CV-73373
HONORABLE GEORGE CARAM STEEH

JOHN JABE,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR
CERTIFICATE OF APPEALABILITY (DOC. #119) AND
DENYING PETITIONER'S MOTION FOR PERMISSION
TO PROCEED IN FORMA PAUPERIS ON APPEAL (DOC. #118)

On August 10, 2015, the court denied petitioner's motion to rescind the court's April 17, 2013 order denying relief from judgment. The court also denied to issue a certificate of appealability and certified that an appeal may not be taken *in forma pauperis*. Now before the court are petitioner's motions for a certificate of appealability (Doc. #119) and to proceed *in forma pauperis* on appeal (Doc. #118).

The court construes petitioner's motions as seeking reconsideration of the court's August 10, 2015 order. The Local Rules of the Eastern District of Michigan provide that "[a] motion for rehearing or reconsideration must be filed within 14 days after entry of the judgment or order." E.D. Mich. LR 7.1(h)(1). Petitioner's motions are untimely.

In addition, petitioner has not established a palpable defect with the court's order. The court "will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." E.D.

Mich. LR 7.1(h)(3). To obtain reconsideration of a court order, “the movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.” *Id.* A palpable defect “is a defect which is obvious, clear, unmistakable, manifest, or plain.” *Ososki v. St. Paul Surplus Lines Ins. Co.*, 162 F.Supp.2d 714, 718 (E.D. Mich. 2001). For the reasons stated in the court’s August 10, 2015 order, the court declines to issue a certificate of appealability and certifies that an appeal may not be taken in good faith *in forma pauperis*.

Accordingly, petitioner’s motions are DENIED.

IT IS SO ORDERED.

Dated: September 8, 2015

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 8, 2015, by electronic and/or ordinary mail and also on Parnell Seaton #159030, Alger Maximum Correctional Facility, N6141 Industrial Park Drive, Munising, MI 49862.

s/Barbara Radke
Deputy Clerk